

## A New Definition Of Disability For Children

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed the definition of disability for children under the Supplemental Security Income (SSI) program.

The new definition of disability for children:

- requires a child to have a physical or mental condition or conditions that can be medically proven and which result in **marked and severe** functional limitations;
- requires that the medically proven physical or mental condition or conditions must last or be expected to last at least 12 months or be expected to result in death;
- says that a child may not be considered disabled if he or she is working at a job that we consider to be substantial work.

The new law also changes the way we consider certain behavior problems caused by a child's condition or conditions.

### Some Children Who Are Now Eligible May Be Affected

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Because of these changes, we may no longer consider some children disabled. The law requires us to review the cases of certain children who are now eligible for SSI to see if they are disabled under the **new** definition of disability for children.

#### *What We Will Do*

- We will send letters to the representative payees for these children before January 1, 1997, telling them that we expect to review their cases.
- Before the review starts, we will contact each child's representative payee for information about the child's condition.
- After we review the case, we may decide that the child is still disabled, or we may decide that he or she is not disabled because of the new law. If we find the child is not disabled because of the new law, we

will stop the child's SSI. SSI will not stop before July 1, 1997, as long as the child meets all other eligibility rules.

- When we make our decision, we will send another notice to explain it. That letter will also explain the right to appeal the decision and will discuss continuation of benefits during the appeal.

If a child is getting Medicaid based on SSI, Medicaid should continue as long as he or she gets SSI. Even after SSI ends some children can qualify for Medicaid under state programs.

### The Law Requires Us To Do Continuing Disability Reviews To Determine Whether Or Not The Child Is Still Disabled

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- The continuing disability reviews (CDRs) must be done at least every three years for recipients under age 18 whose conditions are likely to improve; and
- The CDRs must be done not later than 12 months after birth for babies whose disability is based on their low birth weight.

We also **may** do CDRs for recipients under age 18 whose conditions are **not** likely to improve.

### Representative Payees Must Provide Evidence Of Treatment

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- At the time we do a CDR, **the representative payee must present evidence that the child is and has been receiving treatment considered medically necessary and available for his or her disabling condition.** This is true in every case unless we determine that requiring such evidence would be inappropriate or unnecessary.
- If the child's representative payee refuses without good cause to provide such evidence when requested, we will suspend

payment of benefits to the representative payee and select another representative payee if it is in the best interest of the child. Or we may pay the child directly, if he or she is old enough.

These rules apply to benefits for months beginning on or after the date of the enactment of the new law.

### The Law Requires A Disability Redetermination At Age 18

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Any individual who was eligible as a child in the month before he or she attained age 18 must have his or her eligibility redetermined.

- The redetermination will be done during the one year period beginning on the individual's 18th birthday.
- We will use the rules for adults filing new claims to do the redetermination.

### Important Note About Children In Certain Medical Care Facilities

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In addition to the new definition of disability, the new law affects children under age 18 who live, throughout a calendar month, in certain institutions where private health insurance pays for their care. The monthly SSI payment for these children will be limited to \$30. Previously, the \$30 SSI payment limit applied only when Medicaid paid more than half of the cost of their care.

### For More Information

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You can get more information 24 hours a day by calling Social Security's toll-free telephone number **1-800-772-1213**. If you want to speak to a representative, you should call between the hours of 7 a.m. and 7 p.m. on Monday through Friday. Our lines are busiest early in the week and early in the month, so it's best to call at other times. Please have your Social Security number handy when you call. Our representatives can give you the address and telephone number of your local Social Security office if you would like to visit the office.

If you have a touch-tone phone, recorded information and services are available 24 hours a day, including weekends and holidays.

People who are deaf or hard of hearing may call our toll-free "TTY" number, 1-800-325-0778, between 7 a.m. and 7 p.m. on Monday through Friday.

The Social Security Administration treats all calls confidentially--whether they're made to our toll-free numbers or to one of our offices. We also want to be sure that you receive accurate and courteous service. That is why we have a second Social Security representative monitor some incoming and outgoing telephone calls.

Social Security information is also available on the Internet at <http://www.ssa.gov>.



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